

PLAINTIFFS

CAUSE NO. 00-3-375

DEFENDANTS

WE DAVIS, CLERK

2. The Plaintiffs are the owners in fee simple of the following described land in DeSoto County, Mississippi:

2.83 acres (123,570.95 s.f.) being part of the northeast and southeast quarters of the northeast quarter of Section 26, Township 2 South, Range 8 West, DeSoto County, Mississippi and described as follows:

Commencing at the northeast corner of Section 26, Township 2 South, Range 8 West; thence south 1605 feet along the east line of said section to a point; thence west 717.18 feet to a pk nail at the intersection of the center of Nesbit Road and the east right of way of I. C. Railroad (50 feet from the center of tracts); thence north 11 degrees, 01 minutes, 07 seconds west 550.0 feet along the east right of way of I. C. Railroad and the west line of the Collier 1.79 acre lot (recorded in Deed Book 281, Page 320) to a 3/8 inch rebar at the northwest corner of the Collier Lot. Said point being the southwest corner of said 2.83 acres and the point of beginning; thence continuing north 11 degrees, 01 minutes, 07 seconds west 351.76 feet along the east right of way of I. C. Railroad to a point 1.52 feet west of a gear axle, said point being the southwest corner of the Wooten 2.0 acre lot (recorded in Deed Book 184, Page 27); thence south 89 degrees, 22 minutes 11 seconds east 619.94 feet along the south line of the Wooten lot to a 3/8 inch rebar in a road ditch and on the west right of way of Gwynn road (15 feet from center of road); also there is a 3/8 inch rebar set 10.5 feet west on line; thence south 02 degrees, 56 minutes, 56 seconds west 119.53 feet along the west right of way of Gwynn Road to a 3/8 inch rebar (in the road ditch) at the northeast corner of the Embury Lot (recorded in Deed Book 48, Page 337, Deed Book 47, Pages 4 and 6); also there is a 1 inch pipe 10.5 feet west on line; thence north 87 degrees, 35 minutes, 15 seconds west 319.0 feet along the north line of the Embury Lot to a 1 inch flat bar at the northwest corner of the Embury Lot; thence south 00 degrees, 51 minutes, 09 seconds west, 210.29 feet along the west line of the Embury Lot to a 1 inch pipe at the southwest corner of the Embury Lot and the northeast corner of the Collier Lot; thence south 84 degrees, 19 minutes, 14 seconds west 225.03 feet along the north line of the Collier Lot to the point of beginning.

DERAIGNMENT OF TITLE

3. The above described land was granted and patented by the United States of America to Margaret Brackenridge on November 9, 1842 as recorded in Deed Book 365, Page 201 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

4. The property was conveyed by T. R. Maxwell, Commissioner, to Mrs. A. W. Maxwell, by Warranty Deed on March 19, 1902, recorded in Deed Book 11, Page 438, in the

Office of the Chancery Clerk of DeSoto County, Mississippi. This tract of land described by metes and bounds is also described as Lots 1-4, 5 and 6 of the Meriwether survey.

5. Mrs. A. W. Maxwell and Betty Gwyn conveyed Lots 5 and 6 as described in the previous deed to W. B. Maxwell by Warranty Deed on October 16, 1902, recorded in Deed Book 14, Page 169, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

6. Betty Gwyn conveyed Lots 5 and 6 as described in the previous deed to W. B. Maxwell by Warranty Deed on November 21, 1907, recorded in Deed Book 14, Page 456.

7. By Certificate from the Mayor of Nesbit the property was conveyed to W. B. Maxwell on September 23, 1909 in Deed Book 16, Page 82, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

8. W. B. Maxwell passed from this life on September 20, 1945, testate, devising to his son, N. Bruce Maxwell his "store house and lot as far back as the lot goes" and to his daughter, May M. Maxwell, and his son, N. Bruce Maxwell, his "residence and 9 acres of land more or less for a home for them as long as they choose...they can sell a part of the land if both are willing." His holographic Will was probated in Chancery Cause No. 6952, on November 16, 1946, in the Office of the Chancery Clerk of DeSoto County, Mississippi. Certified copies of the Will, Order probating the Estate and Final Decree closing the Estate were attached to the Complaint as Exhibit "A" filed in this cause.

9. May M. Maxwell passed from this life on or about February 10, 1965. At the time of her death she left the following heirs at law: her brother, N. Bruce Maxwell, her sister Annie E. Bryd Maxwell and the Plaintiffs in this cause.

10. N. Bruce Maxwell passed from this life on or about December 23, 1976. At the time of his death he left the following heirs at law: his sister Annie E. Bryd Maxwell, and the Plaintiffs in this cause.

11. Annie E. Byrd Maxwell died intestate on August 12, 1982 at the Western State Mental Hospital in Bolivar, Tennessee. At the time of her death she had no heirs at law other than the Plaintiffs in the cause.

12. That the said land at this time is assessed in the names Clifton Maxwell, Mrs. Jean Maxwell Adcock, and Mrs. Marilyn Maxwell Parker. Said persons are in possession of the property and are its tenants as the surviving heirs at law of N. Bruce Maxwell and May M. Maxwell who owned the property through a chain extending back to the said patentee, Margaret Brackenridge.

13. After diligent search and inquiry, Plaintiffs are unable to give the names, residences, or post office addresses of any persons other than those herein mentioned who have any claim to or any interest in this land, but because of the long number of years since the patent to said land was issued, it is possible that there may be others not now ascertainable after diligent search and inquiry by the Plaintiffs.

14. Since the death of N. Bruce Maxwell, the Plaintiffs in this cause have uninterruptedly possessed the property described herein for twenty-three (23) years. This possession has been hostile, under a claim of right, actual, open, notorious, visible, exclusive, continuous uninterrupted and peaceful; therefore, pursuant to §15-1-13 of the Mississippi Code (1972 as amended) the Plaintiffs in this cause can rightfully claim this property through adverse possession.

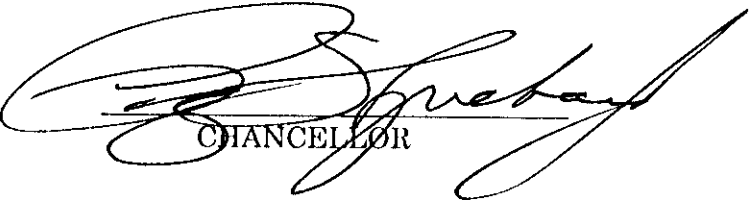
15. Publication was made in the DeSoto Times Today, a local newspaper with a general circulation in DeSoto County, on March 14, 21 and 28, 2000. The Proof of Publication was filed in this cause.


16. There has been no answer or contest filed and no appearance made by any of the above named Defendants.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that title to the above described property is now Quieted and Confirmed in M. CLIFTON MAXWELL, MRS. JEAN MAXWELL ADCOCK and MRS. MARILYN MAXWELL PARKER, owners in fee simple.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order shall be recorded and indexed in the DeSoto County Chancery Court Deed Records and Plaintiffs are to pay costs of Court.

ORDERED, ADJUDGED AND DECREED this 18th day of April, 2000.


CHANCELLOR


JOSEPH D. NEYMAN, JR.
Attorney for Plaintiffs
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CHANCERY COURT
STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 24 day of April, 20 00
W. E. Davis, Clerk of the chancery court
By  D.C.